



COMMENT 3: Commenters asserted that the two weeks' notice provided by the department was insufficient in which to prepare a rebuttal to the proposed changes.

RESPONSE 3: All executive branch agencies are statutorily required to provide the public at least 20 days' notice of a rulemaking hearing and at least 28 days from the date of the original notice in which to submit comments. The department has fully complied with all the requirements of the Montana Administrative Procedure Act per 2-4-302, MCA.

COMMENT 4: Commenters opposed the change from a biennial to annual renewal period because it will be more difficult for licensees to obtain the required continuing education in one year.

RESPONSE 4: The department determined that a biennial renewal was not fiscally feasible and is changing to an annual renewal to comply with the Department of Administration's fiscal guidelines, to which the Department of Labor and Industry is required to adhere. At this time, the department has not proposed to amend the rules regarding continuing education requirements.

COMMENT 5: One commenter suggested the department create another level of licensure for administrative personnel who don't generate revenue with the LAC license.

RESPONSE 5: Additional types or levels of licensure can only be created in statute by the Montana Legislature. The department is unable to address the suggestion as the comment is outside the scope of this rulemaking notice.

COMMENT 6: Several commenters opposed the deletion of the oral examination requirement without a concurrent increase in the requisite supervised counseling experience to 2000 hours.

RESPONSE 6: The department is deleting the fee to comply with the 2005 legislative amendment that removed the oral exam requirement. The department has not proposed any change to the experience requirement and is unable to address the comment as it is outside the scope of this rulemaking notice.

4. The department has amended ARM 24.101.413 and 24.154.401 exactly as proposed.

/s/ DARCEE L. MOE  
Darcee L. Moe  
Alternate Rule Reviewer

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State April 28, 2008